

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

COLLETTE L. FLANAGAN,  
INDIVIDUALLY AND ON BEHALF  
OF THE ESTATE OF CLINTON  
ALLEN, DECEASED AND  
RONDERALINE S. ALLEN  
Individually

Plaintiffs,

CIVIL ACTION NO. 3:13-CV-4231

V.

## JURY TRIAL DEMANDED

THE CITY OF DALLAS, TEXAS,  
AND CLARK STALLER,

Defendants.

**PLAINTIFFS' ANSWER TO DEFENDANT CITY OF DALLAS, TEXAS'**  
**COUNTERCLAIM**

TO THE HONORABLE DISTRICT COURT:

Collete L. Flanagan, Individually and on behalf of the Estate of Clinton Allen and Ronderaline S. Allen, (collectively referred herein as the (“Plaintiffs”) file the following Answer and Defenses to the City of Dallas, Texas' (“City”) Counterclaim ("Counterclaim") and state as follows:

1. Plaintiffs are not required to admit or deny the allegations contained in paragraph 3.1 of the Counterclaim.

2. Plaintiffs deny the allegations contained in paragraph 3.2 of the Counterclaim.
- Plaintiffs further deny that the Federal Claims brought against the City are frivolous, groundless, and/or brought for purposes of harassment.

**PRAYER FOR RELIEF**

Plaintiffs deny that the City is entitled to any of the relief sought in the Counterclaim.

**GENERAL DENIAL**

Plaintiffs deny all allegations contained in the Counterclaim which have not been expressly admitted herein.

**AFFIRMATIVE DEFENSES**

Pursuant to Fed. R. Civ. P. 8(c), Plaintiffs assert that Defendant City is barred from obtaining any recovery against them on account of its claims and causes of action set forth in the Counterclaim due to the following:

1. The City's damages, if any, were caused by its own acts and omissions.
2. The City is precluded from recovery due to its unclean hands.
3. The City is precluded from recovery because Plaintiffs' claims are not frivolous, groundless, and/or brought for purposes of harassment.

**TRIAL BY JURY**

4. Plaintiffs demand trial by jury.

**CONCLUSION AND PRAYER**

**WHEREFORE**, having fully responded to the City of Dallas' Original Counterclaim, Plaintiffs pray as follows:

- a. that the Court enters a judgment dismissing the Original Counterclaim and all claims stated therein with prejudice and discharging Plaintiffs from all liability thereunder;

- b. that Plaintiffs be awarded their attorneys' fee and expenses of litigation incurred in defending this action;
- c. that all costs of this action be taxed against the City of Dallas; and
- d. that the Court awards Plaintiffs such other and further relief as it may deem just and proper.

Respectfully submitted,

By: /s/ Daryl K. Washington  
DARYL K. WASHINGTON  
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**ATTORNEY FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2015, the foregoing pleading was filed with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

/s/ Daryl K. Washington  
DARYL K. WASHINGTON